

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14628, of 2225 N Street Limited Partnership, pursuant to Section 3108.1 of the Zoning Regulations, for a special exception to continue use of the premises as accessory parking for residents of an apartment building (Section 213) in an R-5-B District at premises rear 1330 22nd Street, N.W., (Square 49, Lot 36).

HEARING DATE: Julv 15, 1987
DECISION DATE: September 2, 1987

FINDINGS OF FACT:

1. The site, known as premises rear 1330 22nd Street, N.W., is located on the interior of Square 49 which is bounded by O Street to the north, N Street to the south, 22nd Street to the east and 23rd Street to the west. The site is located in an R-5-B District.

2. The site has no street frontage and abuts a 15 foot wide public alley to the east and a 20 foot wide public alley to the south. The lot provides parking spaces for nine vehicles.

3. The whole of Square 49 is located in the R-5-B District which extends to the east, west and south of the site. A six space parking lot is located to the south of the site. Private residences are located to the east of the site. The green space located to the west of the site is owned and maintained by the National Park Service.

4. The applicant is seeking a special exception for the continuation of the parking lot for five years. The parking lot is to be accessory to an apartment building at 2225 N Street, and spaces will be rented to residents only. The site has operated as a parking lot under previous Orders of the Board for more than twenty-seven years. The lot was originally established by the Board in 1960 (BZA No. 6027). Permission to continue its use as a parking lot was granted in 1963 (BZA No. 7488), 1971 (BZA No. 9850), 1977 (BZA No. 12214), and 1982 (BZA No. 13780).

5. The applicant purchased the lot in December 1986 for use by residents of an apartment building owned by the applicant at 2225 N Street, N.W.

6. The nine parking spaces are rented on a monthly basis by residents and commuters; a maintenance program is provided to keep the lot free of debris, refuse and potholes. In addition, new wheel stops have been ordered for the lot and the lot will be resurfaced and re-striped.

7. The lot is paved with an all weather, impervious surface, it is designed so that no vehicle or any part thereof projects over any lot line, no other use is conducted from or upon the premises, no vehicular entrance or exit is located within 40 feet of a street intersection, and the lot is not illuminated.

8. There are no commercial advertising signs posted on the site and there will not be a building located on the site. The lot is not landscaped.

9. The lot manager frequently visits the lot and has provided a telephone number whereby residents of the area may contact her 24 hours each day if there are problems with people illegally using the lot. The resident manager at 2225 N Street, N.W. has been hired to oversee the lot on a daily basis.

10. The District of Columbia Department of Public Works submitted a memorandum dated July 8, 1987 offering no objection to the continuation of the lot and stated that the lot is clean and well maintained.

11. By memorandum dated July 2, 1987, Advisory Neighborhood Commission (ANC) 2B reported that it voted to support the application on the condition that the parking be limited to residents only and to only one leaseholder per space. The Board concurs with the recommendation of the ANC.

12. A member of the Residential Action Coalition testified that they were in opposition to the parking lot unless "strict measures are taken to safeguard it and improve its appearance." The Board finds that the applicants have presented their plans to improve and regulate the use of the lot.

13. A representative of a neighboring Condominium building testified that the parking lot is necessary because of the shortage of on-street parking. The representative also testified that the applicant must take measures to prevent illegal usage of the lot from the patrons of bars in the area.

14. Two residents of the homes separated from the lot by the fifteen foot wide alley testified in opposition to the lot. While the residents acknowledged that the lot eases the parking problem in the area and that a decision which precludes usage of the lot for parking purposes would be detrimental to the neighborhood, the residents complained

that, in the past, vacant spaces on the lot and the alley have been used illegally by persons who were not renting the spaces and that these persons either were loud and boisterous or caused damage with their vehicles to the residents' property when leaving the lot and alley. These residents suggested that the applicant fence in the lot so that it could not be used by such persons.

The Board finds that the new management of the lot will implement a policy of towing any vehicles illegally parking on the lot and that fencing the lot would not be practical given its configuration and location. The Board further finds that the manager of the lot or the apartments' resident manager will be available on a 24 hour basis to resolve any problems created by the misuse of the lot. The Board also finds that the applicant cannot prevent illegal parking in the alley.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Sub-section 3108.1 and Section 213 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The Board further concludes that the applicant has complied with all the conditions of the previous order and that the lot meets all the requirements of Sub-section 2303.1.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property.

The Board concludes that it has accorded to Advisory Neighborhood Commission (ANC) 2B the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FIVE YEARS from the date of expiration of the prior order, namely from April 21, 1987.
2. Access to and from the parking lot shall be via the public alley from 22nd Street only.
3. The parking lot shall be limited primarily to tenants of the apartment building at 2225 N Street, N.W. If fewer than nine spaces are rented to tenants of the apartment building, the applicant may lease parking spaces to

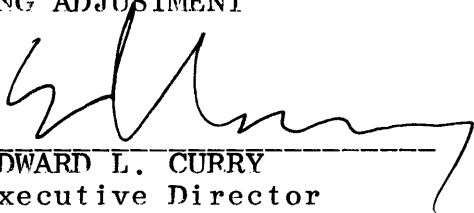
neighborhood residents. The applicant may not lease parking spaces on the subject lot to commercial uses or commuters.

4. The applicant shall post a sign on the parking lot setting forth the name and telephone number of the person responsible for the operation and maintenance of the parking lot for the purpose of addressing any complaints regarding the use of the lot.
5. The applicant shall resurface the entire parking lot within one year of the final date of this order. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
6. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
7. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
8. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
9. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
10. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell, Maybelle T. Bennett and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

DEC 2 1987
FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

14628order/LJP27